

Equal Employment
Opportunity
Commission

Tuesday
November 28, 1995

Part XXIII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION****29 CFR Ch. XIV****Semiannual Regulatory Agenda**

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission (EEOC or Commission) is publishing its semiannual regulatory agenda pursuant to Executive Order 12866, 58 FR 51735, and the Regulatory Flexibility Act, 5

U.S.C. chapter 6. The agenda lists all regulations that are scheduled for review or development during the next 12 months or that have been finalized since the publication of the last agenda.

FOR FURTHER INFORMATION CONTACT:

Ellen J. Vargyas, Legal Counsel, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4637.

SUPPLEMENTARY INFORMATION: The Commission has identified ten regulations for inclusion in this regulatory agenda. There are seven current or projected rulemakings which

are presently under development or review. In addition, the agenda includes a final rule revising a procedural regulation and two final rules removing obsolete text from the Code of Federal Regulations. For this edition of EEOC's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part II of this issue of the Federal Register.

Signed in Washington, DC, this 11th day of September 1995.

For the Commission.

Gilbert F. Casellas,

Chairman.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3802	Guidelines on the Application of the Americans With Disabilities Act of 1990 to Employer Provided Health Insurance (Reg Plan Seq. No. 133)	3046-AA53
3803	Regulations Interpreting Title II of the Older Workers Benefit Protection Act of 1990 (OWBPA) (Reg Plan Seq. No. 134)	3046-AA58
3804	Interpretation Relating to Apprenticeship Programs Under the Age Discrimination in Employment Act (ADEA) (Reg Plan Seq. No. 135)	3046-AA59

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3805	Supplemental Standards of Ethical Conduct for Employees of the Equal Employment Opportunity Commission	3046-AA61

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3806	Procedures—The Age Discrimination in Employment Act	3046-AA54
3807	Procedures on Interagency Coordination of Equal Employment Opportunity Issuances	3046-AA55
3808	Procedures for Handling Complaints of Employment Discrimination Under the Government Employee Rights Act of 1991	3046-AA56
3809	Federal Sector Equal Employment Opportunity	3046-AA57

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3810	Removal of 29 CFR Part 1613, Obsolete Federal Sector Equal Employment Opportunity Rule	3046-AA60
3811	Procedural Regulations for Title VII of the Civil Rights Act of 1964 and Title I of the Americans with Disabilities Act of 1990	3046-AA62

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**Proposed Rule Stage****3802. GUIDELINES ON THE APPLICATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 TO EMPLOYER PROVIDED HEALTH INSURANCE**

Regulatory Plan: This entry is Seq. No. 133 in Part II of this issue of the Federal Register.

RIN: 3046-AA53

3803. REGULATIONS INTERPRETING TITLE II OF THE OLDER WORKERS BENEFIT PROTECTION ACT OF 1990 (OWBPA)

Regulatory Plan: This entry is Seq. No. 134 in Part II of this issue of the Federal Register.

RIN: 3046-AA58

3804. INTERPRETATION RELATING TO APPRENTICESHIP PROGRAMS UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

Regulatory Plan: This entry is Seq. No. 135 in Part II of this issue of the Federal Register.

RIN: 3046-AA59

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**Final Rule Stage****3805. • SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

Priority: Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 5 USC 7301; 5 USC app; EO 12674; EO 12731; 5 USC 5514

CFR Citation: 29 CFR 1600; 5 CFR 7201; 29 CFR 1650

Legal Deadline: None

Abstract: With the concurrence of the U.S. Office of Government Ethics (OGE), EEOC is issuing supplemental ethical standards for EEOC employees. These standards supplement OGE's Standards of Conduct for Employees of the Executive Branch. The OGE regulations and the EEOC supplemental regulations supersede subparts A through D of 29 CFR 1600, which are therefore being deleted. Subpart E of 29 CFR 1600, concerning debt collection, is being moved and redesignated as subpart A of 29 CFR 1650.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA61

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**Long-Term Actions****3806. PROCEDURES—THE AGE DISCRIMINATION IN EMPLOYMENT ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 628, sec 115, Civil Rights Act of 1991

CFR Citation: 29 CFR 1626

Legal Deadline: None

Abstract: Section 115 of the Civil Rights Act of 1991 deleted references to the Portal to Portal Act from the private suit provisions of the Age Discrimination in Employment Act (ADEA) and replaced them with a requirement that suit be filed no later than 90 days after termination of proceedings or dismissal of a charge by EEOC. Accordingly, section 1626.7(a) is being deleted and section 1626.15(b) is being revised because they were both based upon the Portal to Portal Act. New sections are being added concerning termination of EEOC proceedings and the issuance of notices of the new 90-day limitation period.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA54

3807. PROCEDURES ON INTERAGENCY COORDINATION OF EQUAL EMPLOYMENT OPPORTUNITY ISSUANCES

Priority: Substantive, Nonsignificant

Legal Authority: EO 12067

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: Executive Order 12067 requires the Equal Employment Opportunity Commission and other Federal agencies to informally and formally coordinate with each other when they develop rules, policies, procedures, and other issuances affecting equal employment opportunity. 29 CFR part 1690 sets forth specific procedures for this interagency coordination. These amendments to 29 CFR part 1690 will update the coordination process to suit the broad range of materials now being presented to EEOC for review, and also formalize existing practices as to the sequence of review between the EEOC under Executive Order 12067; the Department of Justice under Executive Order 12250; and the Office of Management and Budget under Executive Order 12866 and the Paperwork Reduction Act.

EEOC

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Ellen J. Vargyas, Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507

Phone: 202 663-4637

TDD: 202 663-7026

RIN: 3046-AA55

3808. PROCEDURES FOR HANDLING COMPLAINTS OF EMPLOYMENT DISCRIMINATION UNDER THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

Priority: Substantive, Nonsignificant

Legal Authority: 2 USC 1219 to 1220, Government Employee Rights Act of 1991; 42 USC 2000e et seq, Title VII of the Civil Rights Act; 29 USC 621 et seq, Age Discrimination in Employment Act; 42 USC 12112 to 12114, Americans With Disabilities Act

CFR Citation: 29 CFR 1603

Legal Deadline: None

Abstract: Under title VII of the Civil Rights Act of 1964, the ADEA and the ADA, certain staff members of State and local elected officials were exempt from protection against employment discrimination. Section 321 of the Government Employee Rights Act of 1991 extends employment discrimination protections to the

employment of persons who have been chosen or appointed by a State or local elected public official to serve on his or her personal staff, to serve the elected official on the policymaking level, or to serve as an immediate advisor with respect to the exercise of the constitutional or legal powers of the official's office.

Section 320 of the Government Employee Rights Act of 1991 extends protection to certain presidential appointees who were not otherwise protected under the ADEA, title VII, or the ADA. Section 320 does not cover individuals whose appointment is made by and with the advice and consent of the Senate, advisory committee members or members of the uniformed services. These are procedural regulations for processing such complaints of discrimination by previously exempt or uncovered individuals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA56

3809. FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-569, The Rehabilitation Act Amendments of 1992; 42 USC 2000e-16; 29 USC 633a; 29 USC 794a

CFR Citation: 29 CFR 1614

Legal Deadline: None

Abstract: The proposed amendments to this regulation implement the Rehabilitation Act Amendments of 1992. Those amendments provide that the standards used to determine if title I of the Americans With Disabilities Act has been violated will apply to complaints of nonaffirmative action employment discrimination under the Rehabilitation Act. The Commission may also make other changes to the Federal Sector complaint processing regulations as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA57

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Completed Actions

3810. • REMOVAL OF 29 CFR PART 1613, OBSOLETE FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY RULE

Priority: Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 42 USC 2000e-16; 29 USC 633a; 29 USC 794a

CFR Citation: 29 CFR 1613; 29 CFR 1614

Legal Deadline: None

Abstract: This action removed part 1613, which had been superseded by part 1614. It also revised 29 CFR 1614.501(a) to delete a cross reference to part 1613, which no longer exists.

Timetable:

Action	Date	FR Cite
Final Action	08/21/95	60 FR 43371
Final Action Effective	08/21/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment

Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA60

3811. • PROCEDURAL REGULATIONS FOR TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2000e to 2000e(17); 42 USC 12111 to 12117

EEOC

Completed Actions

CFR Citation: 29 CFR 1601.70; 29 CFR 1601.71

Legal Deadline: None

Abstract: EEOC is revising its procedural regulations governing title VII and the ADA to rescind a delegation of authority to its Director of Program Operations. The delegation of authority permitted the Director of Program Operations to designate state and local agencies that qualify as Fair Employment Practices Agencies under

section 706 of title VII and to determine if a previous designation should be withdrawn. This authority will now be exercised by the Commission.

Timetable:

Action	Date	FR Cite
Final Action	09/06/95	60 FR 46219
Final Action Effective	09/06/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA62

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